

MARRI B. DERBY (SBN107209)
marri@marriderbylaw.com
23 Corporate Plaza Suite 150
Newport Beach, CA 92660
Phone: 949-510-4785; Fax: 949-608-7034

JOEL M. FURMAN (SBN 282222)
1432 Edinger Avenue, Suite 240
Tustin, CA 92780
Phone: 949-887-2397
Email: joelfurmanlaw@gmail.com
Attorneys for Defendant MICHAEL LERMA

KENNETH M. MILLER (SBN 151874)
Ken@KMMillerLaw.com
26944 Camino de Estrella, Suite B
Capistrano Beach, California 92624
Phone: 949-388-3440

RICHARD G. NOVAK (SBN 149303)
Richard@RGNLaw.com
P. O. Box 5549
Berkeley, CA 94705
Phone: 626-578-1175; Fax: 626-685-2562
Attorneys for Defendant CARLOS GONZALEZ

(Additional Counsel on Subsequent Page)

UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA
WESTERN DIVISION

UNITED STATES OF AMERICA,
Plaintiff,

vs.

MICHAEL LERMA, ET AL.,
Defendants.

Case No.: CR 18-00172-GW

**EMERGENCY EX PARTE
APPLICATION FOR HEARING AT
9:00 A.M. ON FEBRUARY 24,
2025 CONCERNING
INCOMPLETE DISCLOSURE OF
JUROR QUESTIONNAIRES TO
COUNSEL; DECLARATION OF
RICHARD G. NOVAK**

Additional Counsel

CHARLES P. DIAMOND (SBN 56881)

cdiamond@omm.com

AMY R. LUCAS (SBN 264034)

alucas@omm.com

1999 Avenue of the Stars Suite 800

Los Angeles, CA 90067-6035

Phone: 310-246-6789/6784; Fax: 310-246-6779

RICHARD P. LASTING (SBN 53950)

richardplasting@sbcglobal.net

315 East 8th Street, Suite 801

Los Angeles, CA 90014

Phone: 213-489-9025; Fax: 310-626-9677

Attorneys for Defendant JUAN SANCHEZ

SHAUN KHOJAYAN (SBN 197690)

shaun@khojayan.com

515 S. Flower St., 19th Floor

Los Angeles, CA 90071

Phone: 310-274-6111; Fax 310-274-6211

DANIEL A. NARDONI (SBN 94201)

dan@nardonilaw.net

215 North Marengo Avenue Suite 328

Pasadena, CA 91101

Phone: 626-578-9872; Fax: 626-578-9873

Attorney for Defendant JOSE VALENCIA GONZALEZ

1 Defendants Michael Lerma, Carlos Gonzalez, Juan Sanchez, and
2 Jose Valencia Gonzalez, by and through their respective counsel,
3 hereby apply ex parte on an emergency basis for a brief hearing at 9:00
4 A.M. on the morning of Monday February 24, 2025 concerning the
5 incomplete disclosure *to counsel* on Friday February 21, 2025 of the
6 completed juror questionnaires and to obtain from court staff the
7 balance of those materials.

8 This application is based upon the attached declaration of counsel
9 and the exhibit thereto.

10 The government has informed undesignated counsel that it takes no
11 position on this application. The government has been informed that
12 the defense seeks a brief hearing at 9:00 a.m. on February 24, 2025,
13 and that undersigned counsel will be present in court at that time.

14 (Novak Decl. ¶6)

15 Dated: February 23, 2025

Respectfully submitted on behalf of
these four defendants

17 /s/ Richard G. Novak

18 Richard G. Novak

19 Kenneth M. Miller

**ATTORNEYS FOR DEFENDANT
CARLOS GONZALEZ**

DECLARATION OF RICHARD G. NOVAK

I, Richard G. Novak, hereby declare as follows:

1. I am a lawyer duly admitted to practice before this Court. Along with Kenneth M. Miller, I am counsel of record for defendant Carlos Gonzalez (Mr. Gonzalez) in *United States v. Lerma, et al.*, Case No. 2:18-cr-00172(A)-GW-6.

2. This declaration is filed in support of the joint defense emergency *ex parte* application for a brief hearing at 9:00 a.m. on Monday February 24, 2025, to remedy the incomplete disclosure to counsel of the completed juror questionnaires which occurred on the afternoon of Friday February 21, 2025.

3. At the hearing in this matter on February 10, 2025, this Court decided that the attorneys in this matter, and *only* the attorneys, would receive the first page of the completed juror questionnaires which would contain the name and juror number associated with each completed questionnaire. Attached to this declaration as Exhibit A is a true and correct copy of excerpts of the transcript of that hearing, memorializing the Court's decision and the protocol to be followed.

4. It is my understanding from AUSA Jason Gorn that the box of completed juror questionnaires he retrieved from court staff on Friday February 21, 2025 around 12:30 p.m. did not contain the compiled first pages of the completed juror questionnaires.

5. Counsel have not subsequently received from court staff the first pages of the completed juror questionnaires. Counsel need those documents as far in advance of the commencement of jury selection on February 25, 2025 as possible in order to complete their preparation for jury selection.

6. Counsel for the United States informed me at approximately 9:00 a.m. this morning that the government takes no position on this application.

7. I informed government counsel that I will be present in this Court's courtroom at 9:00 a.m. on Monday February 24, 2025 to address this issue and to obtain the balance of the jury questionnaire materials that were to be turned over to

1 counsel, and that I would promptly arrange for them to be scanned and provided to
2 all counsel.

3
4 I declare under penalty of perjury under the laws of the United States that
5 the above is true and correct to the best of my knowledge and understanding.
6 Executed on this 23rd day of February 2025.

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8 /s/ Richard G. Novak
9 Richard G. Novak
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Exhibit A

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UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA - CENTRAL DIVISION
HONORABLE GEORGE H. WU, U.S. DISTRICT JUDGE

UNITED STATES OF AMERICA,
Plaintiff,
vs. Case No. CR 18-172-GW
MICHAEL LERMA, et al,
Defendants.

/

**** SEALED ****

REPORTER'S TRANSCRIPT OF
PRETRIAL CONFERENCE
Monday, February 10, 2025
1:00 p.m.
LOS ANGELES, CALIFORNIA

TERRI A. HOURIGAN, CSR NO. 3838, CCRR
FEDERAL OFFICIAL COURT REPORTER
350 WEST FIRST STREET, ROOM 4311
LOS ANGELES, CALIFORNIA 90012
(213) 894-2849

APPEARANCES OF COUNSEL:

FOR THE PLAINTIFF:

UNITED STATES ATTORNEY'S OFFICE
United States Attorney
BY: KYLE W. KAHAN
JASON A. GORN
KELLYE NG
J. MARK CHILDS
Assistant United States Attorneys
United States Courthouse
312 North Spring Street
Los Angeles, California 90012

FOR THE DEFENDANT: MICHAEL LERMA

LAW OFFICES OF MARRI DERBY
BY: MARRI B. DERBY
Attorney at Law
23 Corporate Plaza Drive, Suite 150
Newport Beach, California 92660

LAW OFFICES OF JOEL MICAH FURMAN
BY: JOEL MICAH FURMAN
Attorney at Law
1432 Edinger Avenue, Suite 240
Tustin, California 92780

FOR THE DEFENDANT: CARLOS GONZALEZ

LAW OFFICE OF KENNETH M. MILLER
BY: KENNETH M. MILLER
Attorney at Law
26944 Camino de Estrella, Suite B
Capistrano Beach, California 92624

RICHARD G. NOVAK APLC
BY: RICHARD G. NOVAK
Attorney at Law
65 North Raymond Avenue, Suite 320
Pasadena, California 91103

1 APPEARANCES: (Cont.)

2 **FOR THE DEFENDANT:** JUAN SANCHEZ

3 O'MELVENY and MYERS LLP
4 BY: CHARLES PETER DIAMOND
Attorney at Law
1999 Avenue of the Stars, Suite 800
5 Los Angeles, California 90067

6 RICHARD P. LASTING LAW OFFICES
7 BY: RICHARD P. LASTING
Attorney at Law
315 East 8th Street, Suite 801
8 Los Angeles, California 90014

9
10 **FOR THE DEFENDANT:** JOSE VALENCIA GONZALEZ

11 SHAUN KHOJAYAN and ASSOCIATES PLC
BY: SHAUN KHOJAYAN
Attorney at Law
12 515 South Flower Street, 19th Floor
Los Angeles, California 90071

13 LAW OFFICE OF DANIEL A. NARDONI
14 BY: DANIEL A. NARDONI
Attorney at Law
15 215 North Marengo Avenue, Suite 328
Pasadena, California 91101

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1 **LOS ANGELES, CALIFORNIA; MONDAY, FEBRUARY 10, 2025**

2 **1:00 p.m.**

3 **--oOo--**

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5
6 THE COURTROOM DEPUTY: Counsel, just a reminder when
7 you speak, speak into a microphone, okay? Thank you.

8 Please remain seated and come to order. This United
9 States District Court is again in session.

10 THE COURT: All right. Let me call the matter of
11 *United States versus Lerma*.

12 Let me have appearances starting with the government
13 counsel first.

14 MR. KAHAN: Good afternoon, Your Honor. Kyle Kahan
15 for the United States.

16 I'm joined at counsel table by Assistant United States
17 Attorneys Mark Childs, Kellye Ng, and Jason Gorn.

18 THE COURT: And for the defendants.

19 Javier, did you take all of the defendant's counsel
20 down?

21 THE COURTROOM DEPUTY: I have them.

22 THE COURT: I won't have the defense counsels'
23 appearances.

24 My clerk took your names. When you speak, say who you
25 are for my reporter's sake.

1 would be the ones that would be distributed to counsel.

2 MR. DIAMOND: Have that on a separate page?

3 THE COURT: Have the information on a separate page,
4 and also have the signature page on a separate page, so that
5 they don't have to -- their names will only be, in other words,
6 the top page and the bottom page are removed.

7 And the second page would also ask for the juror number.
8 We will just be going by way of juror numbers, henceforth, but
9 the attorneys will get copies of the first page and the last
10 page, which will have the jurors' names on it.

11 MR. NOVAK: Every page has the jury number, so we
12 don't lose track of things?

13 THE COURT: No, I would say the second page.

14 I presume these pages are going to be copied and stapled
15 together.

16 They are not going to be separate, it's going to be
17 stapled together.

18 MR. DIAMOND: When we deliver them to the jury
19 clerk, they will be stapled?

20 THE COURT: Well, no. Let me just ask, who is
21 making photocopies?

22 MR. DIAMOND: We volunteered to take that on.

23 THE COURT: All right. Let me ask, Javier.

24 MR. DIAMOND: Front end or back end?

25 THE COURT: They don't make jury copies.

1 THE COURTROOM DEPUTY: The agreement was that once
2 all questionnaires were filled out, that they were going to let
3 me know, and I would either pick them up, or we can have
4 someone pick them up for the copying.

5 THE COURT: How many jurors are there going to be?

6 THE COURTROOM DEPUTY: Right now, we have about 200
7 that have responded to the summons, but they don't know if all
8 200 are going to show up, but there are going to be 75 time
9 qualified jurors -- potential jurors, but the jury department
10 has asked for 90 copies.

11 THE COURT: 90 copies. Why don't we do this, you
12 won't have a problem, you get the copies and you remove the
13 first page and last page, and then put the juror number on the
14 second page?

15 THE COURTROOM DEPUTY: No.

16 THE COURT: My clerk will pick them up, and the only
17 thing that he will give to the defendant's person who is going
18 to be photocopying is just pages 2 through --

19 MR. DIAMOND: Pages without the names.

20 THE COURT: So, in other words, the first page and
21 last page would be removed, then you guys make photocopies.

22 My clerk will write down the juror ID number on the
23 page 2, so you have to reorganize that.

24 MR. DIAMOND: We can fix that.

25 THE COURT: All right.

1 MR. DIAMOND: Then we will get copies of page 1 and
2 the last page?

3 THE COURT: Yeah, that would be separate.

4 In fact, what you could do on the first -- I'm sorry, on
5 page 2, you could have questions 1, 2, 3, through 5 on there,
6 and then start question 6 on the next page.

7 Because some of the private information is also on
8 page 2, so just carry on.

9 MR. DIAMOND: Roman II.

10 THE COURT: Yes.

11 MR. GORN: Just a quick question, is Mr. Diamond
12 taking the only set? I think the government's request is we
13 also get a set of the questionnaires.

14 MR. DIAMOND: I had volunteered to have them
15 scanned.

16 THE COURT: What's going to happen, is the
17 questionnaires are filled out. The jury room is going to give
18 them to my clerk.

19 My clerk is going to remove pages 1 and 2 from each
20 questionnaire form because that's where the identifying
21 information is going to be. He's going to keep that separate
22 and make photocopies for just the attorneys.

23 But I guess the representative from the defendants will
24 have the task of actually photocopying the remainder of the
25 pages, and everybody is going to get copies of those --

